

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT

A.M., by and through his parents and natural
guardians, Christopher Messineo and Jill
Messineo; E.M., by and through her parents
and natural guardians, Christopher Messineo
and Jill Messineo; CHRISTOPHER
MESSINEO, individually; JILL MESSINEO,
individually; A.S., by and through her parents
and natural guardians, Russell Senesac and
Selena Senesac; RUSSELL SENESAC,
individually; SELENA SENESAC,
individually; A.H., by and through her parents
and natural guardians, James Hester and
Darlene Hester; JAMES HESTER,
individually; DARLENE HESTER,
individually; and the ROMAN CATHOLIC
DIOCESE OF BURLINGTON, VERMONT,
)
Plaintiffs,
)
v.
)
DANIEL M. FRENCH, in his official
capacity as Secretary of the Vermont Agency
of Education,
)
Defendant.
)
)
Case No. 2:19-cv-00015-cr

**STIPULATED MOTION TO SUSPEND SCHEDULING DEADLINES AND STAY
RELATED PROCEEDINGS PENDING APPEAL**

The parties, by and through their attorneys, stipulate that:

1. On April 2, 2020, at the request of the parties and due to concerns about the COVID-19 epidemic, the Court entered an order extending the deadlines for Discovery and Motions for Summary Judgment until June 30, 2020 and August 17, 2020, respectively.
2. On May 29, 2020, the Court issued an Opinion and Order denying Plaintiffs' Motion for Preliminary Injunction (ECF Doc. 85).

3. On June 8, 2020, the Plaintiffs filed their Notice of Appeal to the U.S. Court of Appeals for the Second Circuit regarding the Court's denial of their Motion for Preliminary Injunction (ECF Doc. 86).

4. The Plaintiffs' appeal seeks legal guidance from the Court of Appeals that directly bears on proceedings in this Court going forward.

5. The parties deem it necessary to suspend the deadlines for Discovery, Motions for Summary Judgment, and Trial Readiness and to stay any related proceedings before this Court during the pendency of proceedings at the U.S. Court of Appeals for Second Circuit under Docket No. 20-1772 ("Plaintiffs' Appeal").

6. Defendant is concluding work on his Privilege Log and, despite this Motion, will produce it as soon as it is completed.

7. The parties expect to resume all proceedings before this Court as soon as the Court of Appeals addresses Plaintiffs' Appeal and will work together and with the Court to re-establish the appropriate scheduling deadlines at that time.

WHEREFORE, the parties respectfully request that the Court suspend the Parties' Discovery, Summary Judgment, and Trial Readiness Deadlines and Stay Related Proceedings until the Court of Appeals has addressed Plaintiffs' Appeal.

Respectfully submitted this 7th day of July 2020.

/s/ Thomas E. McCormick

Thomas E. McCormick (VT Bar No. 837)
McCORMICK, FITZPATRICK, KASPER &
BURCHARD, P.C.
40 George Street
Burlington, VT 05402-0638
Telephone: 802-863-3494
Fax: 802-865-9747
Email: tem@mc-fitz.com

Gregory S. Baylor (TX Bar No. 01941500)
Paul Daniel Schmitt (IN Bar No. 34765-49)
ALLIANCE DEFENDING FREEDOM
440 First Street NW, Suite 600
Washington, D.C. 20003
Telephone: 202-393-8690
Fax: 202-347-3622
Email: GBaylor@ADFlegal.org

Email: PSchmitt@ADFlegal.org

David A. Cortman (GA Bar No. 188810)
ALLIANCE DEFENDING FREEDOM
1000 Hurricane Shoals Rd. Suite D-1100
Lawrenceville, GA 30043
Telephone: 770-339-0774
Fax: 770-339-6744
Email: DCortman@ADFlegal.org

Ryan Tucker (AZ Bar No. 034382)
ALLIANCE DEFENDING FREEDOM
15100 N. 90th Street
Scottsdale, AZ 85260
Telephone: 480-444-0020
Fax: 480-444-0028
Email: RTucker@ADFlegal.org

Counsel for Plaintiffs

STATE OF VERMONT

THOMAS J. DONOVAN, JR.
ATTORNEY GENERAL

By: Jon T. Alexander
Jon T. Alexander
Assistant Attorney General
Office of the Attorney General
109 State Street
Montpelier, VT 05609-1001
(802) 828-1101
jon.alexander@vermont.gov

Counsel for Defendant
Daniel M. French, Secretary of the
Vermont Agency of Education